

JC03 Rec'd PCT/50 1 3 APR 2005

PCT
#3

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 11, 2005

Signature: _____

(Lisa J. Michaud)

Docket No.: 022762-0015
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Christy Cummins et al.

Application No.: 10/519,778

Filed: December 29, 2004

For: SURGICAL STAPLING DEVICE

Confirmation No.: Not Yet Assigned

Art Unit: N/A

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

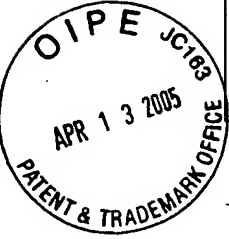
Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

Copies of the U.S. references on the PTO/SB/08 are not provided. Copies of the foreign references on the PTO/SB/08 are enclosed herewith.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).



It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

No fee is believed due. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 022762-0015.

Dated: April 11, 2005

Respectfully submitted,

By 

Lisa J. Michaud

Registration No.: 44,238

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

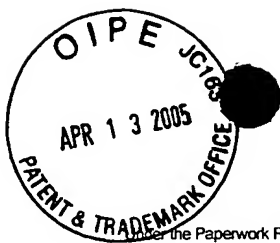
155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2000

(617) 310-9000 (Fax)

Attorney for Applicant



PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/519,778
				Filing Date	December 29, 2004
				First Named Inventor	Christy Cummins
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	022762-0015

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-20030109890-A1	06-12-2003	Kanner et al.	
	AB	US-20040254591-A1	12-16-2004	Kanner et al.	
	AC	US-5,108,421	04-28-1992	Fowler	
	AD	US-5,275,616	01-04-1994	Fowler	
	AE	US-5,478,352	12-26-1995	Fowler	
	AF	US-5,601,602	02-11-1997	Fowler	
	AG	US-5,645,566	07-08-1997	Brenneman et al.	
	AH	US-5,716,375	02-10-1998	Fowler	
	AI	US-6,022,372	02-08-2000	Kontos	
	AJ	US-6,056,768	05-02-2000	Cates et al.	
	AK	US-6,197,042	03-06-2001	Ginn et al.	
	AL	US-6,322,580	11-27-2001	Kanner	
	AM	US-6,506,210	01-14-2003	Kanner	
	AN	US-6,623,510-A1	09-23-2003	Carley et al.	
	AO	US-6,755,842-A1	06-29-2004	Kanner et al.	
	AP	US-2002/0049472-A1	04-25-2002	Coleman	
	AQ	US-6,767,356-A1	07-27-2004	Kanner et al.	
	AR	US-6,719,777-A1	04-13-2004	Ginn et al.	
	AS	US-6,533,762-A1	03-18-2003	Kanner et al.	
	AT	US-6,348,064	02-19-2002	Kanner	
	AU	US-6,277,140-A1	08-21-2001	Ginn et al.	
	AV	US-6,090,130	07-18-2000	Nash et al.	
	AW	US-6,048,358	04-11-2000	Barak	
	AX	US-6,004,341	12-21-1999	Zhu et al.	
	AY	US-5,676,689	10-14-1997	Kensey et al.	
	AZ	US-5,620,461	04-15-1997	Muijs Van De Moer et al.	
	AA1	US-5,591,205	01-07-1997	Fowler	
	AB1	US-5,443,481	08-22-1995	Lee	
	AC1	US-5,192,300	03-09-1993	Fowler	
	AD1	US-20040267312-A1	12-30-2004	Kanner et al.	
	AE1	US-20040010285-A1	01-15-2004	Carley et al.	
	AF1	US-20030097140-A1	05-22-2003	Kanner	
	AG1	US-20020151921-A1	10-17-2002	Kanner et al.	
	AH1	US-3,482,428	12-09-1969	N.N. Kapitanov et al.	
	AI1	US-4,014,492	03-29-1977	Rothfuss	
	AJ1	US-4,523,695	06-18-1985	Braun et al.	
	AK1	US-4,724,840	02-16-1988	McVay et al.	
	AL1	US-4,771,782	09-20-1988	Millar	
	AM1	US-4,789,090	12-06-1988	Blake, III	
	AN1	US-4,934,364	06-19-1990	Green	
	AO1	US-5,131,379	07-21-1992	Sewell, Jr.	
	AP1	US-5,147,381	09-15-1992	Heimerl et al.	
	AQ1	US-5,292,309	03-08-1994	Van Tassel et al.	
	AR1	US-5,306,254	04-26-1994	Nash et al.	
	AS1	US-5,395,030	03-07-1995	Kuramoto et al.	
	AT1	US-5,431,639	07-11-1995	Shaw	
Examiner Signature				Date Considered	



PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/519,778
				Filing Date	December 29, 2004
				First Named Inventor	Christy Cummins
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	022762-0015

	AU1	US-5,470,010	11-28-1995	Rothfuss et al.	
	AV1	US-5,527,322	06-18-1996	Klein et al.	
	AW1	US-5,536,251	07-16-1996	Evard et al.	
	AX1	US-5,560,532	10-01-1996	DeFonzo et al.	
	AY1	US-5,643,318	07-01-1997	Tsukernik et al.	
	AZ1	US-5,674,231	10-07-1997	Green et al.	
	AA2	US-5,810,846	09-22-1998	Virnich et al.	
	AB2	US-5,855,312	01-05-1999	Toledano	
	AC2	US-5,861,005	01-19-1999	Kontos	
	AD2	US-6,007,563	12-28-1999	Nash et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			
	BA	EP-0 534 696	03-31-1993	Erlebacher, Jay		
	BB	EP-0386361	09-12-1990	Failla et al.		
	BC	EP-0756851	02-05-1997	Virnich et al.		
	BD	EP-0774237	05-21-1997	Green et al.		
	BE	EP-0941697	09-15-1999	Van Tassel et al.		
	BF	FR-2443238	07-04-1980	N.N. Kapitanov et al.		
	BG	GB-1358466	07-03-1974	N. N. Kapitanov et al.		
	BH	WO-97/20505	06-12-1997	Zhu et al.		
	BI	WO-98/17179	04-30-1998	Gleeson et al.		
	BJ	WO-98/25508	06-18-1998	Allgeyer		
	BK	WO-00/56227	09-28-2000	Loshakove		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--